

Application No. 09/631,802
Examiner: Robyn Kieu Doan
Applicant: Vogel
Response to Action Summary Dated August 9, 2001

November 9, 2001

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for
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In response to the Office Action of August 9, 2001, the Inventor, Sarah Vogel, hereafter referred to as Inventor is requesting an extension of time. Enclosed is a check in the amount of \$55, as the specified fee for extensions from small entities.

As specified in the Detailed Action of Claim Rejections (1), Inventor respectfully acknowledges the validity of the quotation of 35 U.S.C. 103(a) forming the basis for obviousness rejections set forth in the Office Action.

In response to Detailed Action of Claim Rejections (2), Inventor respectfully disagrees to the rejection of Claims 1-3 as being unpatentable over Menaged. Menaged discloses a barrette comprising upper and lower arms (12, 13) comparable to the clasp plate as defined by Burleson (12) and the decorative base plate and as defined by Vogel (12) on a conventional clip.

Menaged is a bulky, double-sided use of a conventional hair clip. As such, two clasp plates (a.k.a. base plates) allow for a decorative material to be wrapped around both outer sides so that the barrette can be worn vertically.

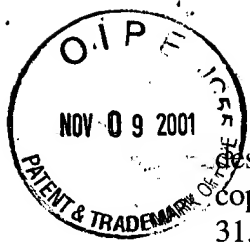
Menaged's added material (23) of a predetermined shape being attached to the arms of the barrette, are purely decorative as specified under the detailed description of the preferred embodiment. "In this condition, a wide variety of decorative members 22 and 23 can be readily affixed to or received by the outer support members 12 and 13...."

In contrast to the clip used in Vogel and Burleson, the arms being decoratively wrapped in Menaged's clip do not come into contact with the hair. In fact Vogel and Burleson could be used on Menaged's barrette.

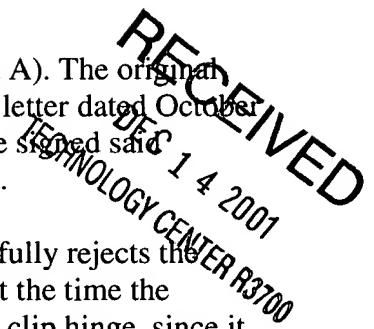
The subject matter and objective of Menaged's barrette was to "conceal the support members and provide an ornamental appearance to both sides of the barrette." The subject matter was not to protect the hair from damage done to hair by inner members. Menaged does not recognize this as a problem to be solved, nor did Menaged offer it as an obvious solution.

Inventor's application is also patentable over Menaged as evidenced by the later patented Burleson et al. (Patent No. 6257251).

As specified in the Detailed Action of Claim Rejections (3), Inventor respectfully acknowledges the extreme similarity between Burleson and that of the Inventor's and therefore brings into question earliest conception date. As per the filing date, Vogel was assigned August 4, 2000 while Burleson indicates September 11, 2000, over a month later. Enclosed is a copy of the Inventor's documentation of the invention and its



description signed, dated and witnessed on May 18, 2000 (see Exhibit A). The original copy is available upon request. Also enclosed is a copy of a notarized letter dated October 31, 2001 (see Exhibit B), signed by the witnesses and attesting to have signed said documentation on May 18, 2000. Original also available upon request.



In addition to concerns over earliest conception date, Inventor respectfully rejects the notion that it would have been to one having ordinary skill in the art at the time the invention was made to employ the material being wrapped around the clip hinge, since it has been formed in two pieces and put together involves only routine skill in the art. Nowhere in Burleson's Background of the Invention or in its Brief Summary of the Invention does Burleson acknowledge that hair gets caught in the hinge of a conventional hair clip. This is a significant oversight by Burleson. Rather than alleviating problems associated to the hinge, Burleson attributes all such problems to the clamping members. Problems such as "entangling the hair on the clip...damaging and snagging the hair," are directly associated with getting hair caught in the clip's hinge. Burleson recognizes these problems but fails to detect their true cause, resulting in Burleson's failure to solve all the problems it has claimed to have. Aside from detecting and solving problems associated with hair getting caught in the hinge, it would not be necessary to unite the two pieces of material that wrap around the clamping members. The Inventor recognized the true cause of the damage and solved Burleson's oversight before it happened. She is thereby requesting to take credit for such action.

As specified in the Detailed Action of Claim Rejections (4), Inventor respectfully agrees that the applicant is unfamiliar with patent prosecuting procedure and should seek professional assistance.

As specified in the Detailed Action of Claim Rejections (5), Inventor respectfully accepts claim 4, as drafted by the examiner, and would like the examiner to make record.

As specified in the Detailed Action of Claim Rejections (6a), Inventor respectfully acknowledges that previously submitted drawings were not unacceptable. The Inventor wishes to submit enclosed, new corrected drawings (see Exhibit C).

As specified in the Detailed Action of Claim Rejections (6b), Inventor respectfully accepts the prior art made of record. Inventor requests said prior art be added to application of record.

In view of the forgoing response and the enclosed evidence and formal drawings, Inventor respectfully requests acceptance of this patent application and issuance of the notice of allowance.

Should the examiner have any questions, please feel free to contact the Inventor either by phone, 650-364-1504 or by email, sarahannvogel@yahoo.com.

SARAH A. VOGEL
INVENTOR

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Title: Hair Clip Inner Protector

Purpose: To protect hair in the hair clip from being caught, broken, or damaged by the coupling device of the hair clip and to keep the hair clip in place.



Description: The hair clip inner protector is a specifically shaped piece of soft and somewhat cushionlike material (ie. fabric synthetic fabric, leather, suede, cotton, vinyl, velvet, ect.) that has been wrapped around the two adjoining arms of a hair clip and glued or sewn in place which incidentally covers the hair clip's coupling device. I conceived of this approximately four years ago. I was feeling apprehensive about putting a hair clip in my hair because of the damage the clip had done to my hair and the pain I had previously experienced.

Inventor:

Sarah Vogel

Dated:

May 18, 2000

The above confidential information is witnessed and understood:

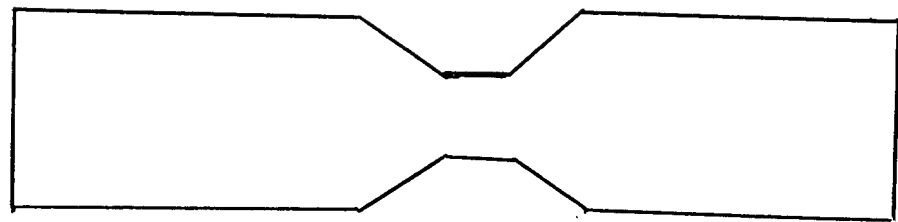
William C. Lynch

May 19, 2000

[Signature]
John H. Lynch

5-18-2000

Hair Clip Inner Protector



Ramifications: Instead of wrapping the arms of the hairclip with the inner protector and then sewing or gluing it on, the inner protector could be presawn or preglued to Speck and then slipped over the arms into place.



Inventor:

Sarah Vogel

Dated:

May 18, 2000

The above Confidential information is witnessed and understood:

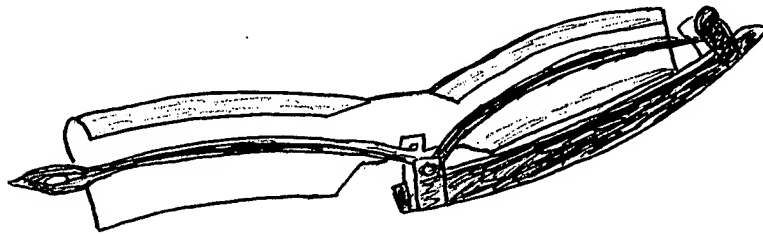
William C. Lynch

May 18, 2000

[Signature]

5-18-2000

Title: Hair Clip Inner Protector



Sketch showing protector being wrapped around adjoining arms.

Possible Novel Features: The adding of the inner protector to the hair clip is entirely new.

Inventor:

Sarah Vogel

Dated:

May 18, 2000

The above confidential information is witnessed and understood:

William P. Lynch
[Signature]

May 18, 2000

5-18-2000

Title: Hair clip Inner Protector

Advantages: A hair clip equipped with

the inner protector has two major

advantages. First, the inner protector

would eliminate problems associated

with hair getting caught in the coupling device. These problems include the pulling breaking and damaging of the hair.

Secondly, the inner protector helps to keep the hair clip in place on the hair. It

does this in two ways. First, the material of the inner protector grips onto the hair

better than the aluminum adjoining arms alone. And secondly, the cushionlike

characteristics of the inner protector gives the hair clip a snugger fit to a broader range of hair thickness due to its ability to compress or stay expanded.

Inventor

Dated

Sarah Vogel

May 18, 2000

The above confidential information is witnessed and understood.

William C. Lynch

May 18, 2000

[Signature]

5-18-2000

Title: Hair Clip Inner Protector

Closest known prior art:

Hair devices should always be designed not to damage hair. And while some devices don't damage hair, the particular clip involved w/ this invention in my opinion, has always damaged hair and there is no prior art which prevents that.

Inventor

Sarah Vogel

Dated

May 18, 2000

The above Confidential information is witnessed and understood.

William C. Lynch

May 18, 2000

J. By

5-18-2000



October ³¹~~25~~ 2001
WLL

William Lynch and John Lynch did sign as witnesses this hand written document defining Sarah Vogel's idea for a hair clip inner protector on May 18, 2000.

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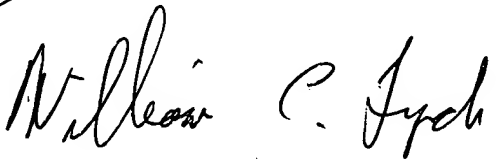
Signed



Dated

20/31/02

Signed



Dated

10/31/01



Title: Hair Clip Inner Protector  WLL

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 31 DAY OF October 2001
BY WILLIAM LYNCH
JOHN LYNCH
NOTARY PUBLIC

